

Adopted	Rejected
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## COMMITTEE REPORT

YES:	9
NO:	3

### MR. SPEAKER:

*Your Committee on Local Government, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 6-9-2-3 IS AMENDED TO READ AS FOLLOWS
- 4       [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) For purposes of this section,
- 5       the size of a political subdivision is based on the population determined
- 6       in the last federal decennial census.
- 7       (b) A convention and visitor bureau having ~~thirteen (13)~~ **fifteen (15)**
- 8       members is created to promote the development and growth of the
- 9       convention, tourism, and visitor industry in the county.
- 10       (c) The executives (as defined by IC 36-1-2-5) of the ~~six (6)~~ **eight**
- 11       **(8)** largest municipalities (as defined by IC 36-1-2-11) in the county
- 12       shall each appoint one (1) member to the bureau. The legislative body
- 13       (as defined in IC 36-1-2-9) of the two (2) largest municipalities in the
- 14       county shall each appoint one (1) member to the bureau.
- 15       (d) The county council shall appoint two (2) members to the bureau.
- 16       One (1) of the appointees must be a resident of the largest township in

1 the county, and one (1) of the appointees must be a resident of the  
2 second largest township in the county.

3 (e) The county commissioners shall appoint two (2) members to the  
4 bureau. Each appointee must be a resident of the fifth, sixth, seventh,  
5 eighth, ninth, tenth, or eleventh largest township in the county. These  
6 appointees must be residents of different townships.

7 (f) The lieutenant governor shall appoint one (1) member to the  
8 bureau.

9 (g) One (1) of the appointees under subsection (d) and one (1) of the  
10 appointees under subsection (e) must be members of the political party  
11 that received the highest number of votes in the county in the last  
12 preceding election for the office of secretary of state. One (1) of the  
13 appointees under subsection (d) and one (1) of the appointees under  
14 subsection (e) must be members of the political party that received the  
15 second highest number of votes in the county in the election for that  
16 office. No appointee under this section may hold an elected or  
17 appointed political office while he serves on the bureau.

18 (h) In making appointments under this section, the appointing  
19 authority shall give sole consideration to individuals who shall be  
20 knowledgeable and interested in at least one (1) of the following  
21 businesses in the county:

- 22 (1) Hotel.
- 23 (2) Motel.
- 24 (3) Restaurant.
- 25 (4) Travel.
- 26 (5) Transportation.
- 27 (6) Convention.
- 28 (7) Trade show.

29 (i) All terms of office of bureau members begin on July 1. Initial  
30 appointments of the county council are for one (1) year terms, initial  
31 appointments of the county commissioners are for two (2) year terms,  
32 initial appointments of the municipal executives and legislative bodies  
33 are for three (3) year terms, with all subsequent appointments for three  
34 (3) year terms. All appointments of the lieutenant governor are for  
35 three (3) year terms. A member whose term expires may be reappointed  
36 to serve another term. If a vacancy occurs, the appointing authority  
37 shall appoint a qualified person to serve for the remainder of the term.  
38 If an appointment is not made before July 16 or a vacancy is not filled

1 within thirty (30) days, the member appointed by the lieutenant  
2 governor under subsection (f) shall appoint a qualified person.

3 (j) A member of the bureau may be removed for cause by his  
4 appointing authority.

5 (k) Members of the bureau may not receive a salary. However,  
6 bureau members are entitled to reimbursement for necessary expenses  
7 incurred in the performance of their respective duties.

8 (l) Each bureau member, before entering his duties, shall take an  
9 oath of office in the usual form, to be endorsed upon his certificate of  
10 appointment and promptly filed with the clerk of the circuit court of the  
11 county.

12 (m) The bureau shall meet after July 1 each year for the purpose of  
13 organization. The bureau shall elect a chairman from its members. The  
14 bureau shall also elect from its members a vice chairman, a secretary,  
15 and a treasurer. The members serving in those offices shall perform the  
16 duties pertaining to the offices. The first officers chosen shall serve  
17 until their successors are elected and qualified. A majority of the  
18 bureau constitutes a quorum, and the concurrence of a majority of those  
19 present is necessary to authorize any action.

20 (n) If the county and one (1) or more adjoining counties desire to  
21 establish a joint bureau, the counties shall enter into an agreement  
22 under IC 36-1-7. In the absence of such an agreement, the bureau may  
23 not expend funds to promote activities in any other county."

24 Page 3, line18, delete "." and insert "**within the municipality.**".

25 Page 5, between lines 3 and 4, begin a new paragraph and insert:

26 "SECTION 3. IC 8-1.5-5-1 IS AMENDED TO READ AS  
27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter  
28 applies to each:

29 (1) municipality; **and**

30 (2) **county not having a consolidated city;**

31 that adopts the provisions of this chapter by ordinance.

32 SECTION 4. IC 8-1.5-5-1.5 IS ADDED TO THE INDIANA CODE  
33 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
34 UPON PASSAGE]: **Sec. 1.5. The definitions set forth in IC 36-1-2**  
35 **apply throughout this chapter.**

36 SECTION 5. IC 8-1.5-5-2 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this  
38 chapter, "board" means the following:

(1) For a consolidated city, the board of public works established by IC 36-3-5-6.

(2) For all other municipalities **or a county**, the board of directors described in section 4 of this chapter.

SECTION 6. IC 8-1.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, "department" means the following:

(1) For a consolidated city, the department of public works.

(2) For all other municipalities **or a county**, the department of storm water management established under section 4 of this chapter.

SECTION 7. IC 8-1.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section ~~applies to all municipalities except~~ **does not apply to** a consolidated city.

(b) If the legislative body of a municipality **or the county executive** adopts the provisions of this chapter by ordinance, a department of storm water management is established and is controlled by a board of directors.

(c) Except as provided in ~~subsection~~ **subsections (f) and (g)**, the board consists of three (3) directors. The executive ~~of the municipality~~ shall appoint the directors, not more than two (2) of whom may be of the same political party.

(d) Except as provided in ~~subsection~~ **subsections (f) and (g)**, the ~~legislative body shall prescribe~~, by ordinance **must prescribe** the terms of the directors ~~However, the legislative body and~~ must prescribe the initial terms of the directors so that ~~they~~ **the terms** will be staggered.

(e) The executive may remove a director at any time when, in the judgment of the executive, it is for the best interest of the department.

(f) If a second class city has a department of public sanitation under IC 36-9-25, the executive of the city may appoint the members of the board of sanitary commissioners as the board of directors of the department of storm water management. The terms of the members of the board of directors are the same as the terms of the members of the board of sanitary commissioners under IC 36-9-25-4.

(g) **If a county executive adopts an ordinance under this chapter, the ordinance may provide for the appointment of:**

**(1) the members of the county executive and the county**

1           surveyor (or the surveyor's designee); or  
 2           **(2) the drainage board for the county;**  
 3           **as the board of directors of the department. The term of office of**  
 4           **a member of the board who is appointed from the membership of**  
 5           **the county executive or the drainage board is coextensive with the**  
 6           **member's term of office on the county executive or the drainage**  
 7           **board. If the county surveyor or the surveyor's designee is**  
 8           **appointed under subdivision (1), the term of the surveyor or**  
 9           **designee as a member of the board is coextensive with the**  
 10           **surveyor's term of office.**

11           **(h)** A member of the board of directors of the department of storm  
 12           water management appointed under subsection (f) **or (g)** is not entitled  
 13           to a salary **or per diem** for serving as a member of the board of  
 14           directors of the department of storm water management. However, a  
 15           member shall be reimbursed for necessary expenses incurred by the  
 16           member in the performance of official duties.

17           SECTION 8. IC 8-1.5-5-5 IS AMENDED TO READ AS  
 18           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The  
 19           ~~legislative body shall, in the~~ ordinance adopting the provisions of this  
 20           chapter ~~create~~ **creates** a special taxing district that includes the  
 21           following:

22           (1) For a consolidated city, all of the territory of the county  
 23           containing the consolidated city.

24           (2) For all municipalities, all territory within the corporate  
 25           boundaries of the municipality.

26           **(3) For a county, all the territory in the county, except**  
 27           **territory within a municipality that has established a**  
 28           **department.**

29           ~~(b) As to each municipality to which this chapter applies, including~~  
 30           ~~a consolidated city,~~ All the territory within the district constitutes a  
 31           special taxing district for the purpose of providing for the collection  
 32           and disposal of storm water of the district in a manner that protects the  
 33           public health and welfare and for the purpose of levying special benefit  
 34           taxes for purposes of storm water collection and disposal. All ~~area~~  
 35           **territory** in the district and all ~~area~~ **territory** added to the district is  
 36           considered to have received a special benefit from the storm water  
 37           collection and disposal facilities of the district equal to or greater than  
 38           the special taxes imposed on the ~~area by~~ **territory under** this chapter

1 in order to pay all or part of the costs of such facilities.

2 SECTION 9. IC 8-1.5-5-6 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The board  
4 has the powers and duties prescribed by IC 8-1.5-3-4(a). In addition,  
5 the board may:

- 6 (1) hold hearings following public notice;
- 7 (2) make findings and determinations;
- 8 (3) install, maintain, and operate a storm water collection and  
9 disposal system;
- 10 (4) make all necessary or desirable improvements of the grounds  
11 and premises under its control; and
- 12 (5) issue and sell bonds of the district in the name of the  
13 **municipality unit that is served by the department** for the  
14 acquisition, construction, alteration, addition, or extension of the  
15 storm water collection and disposal system or for the refunding of  
16 any bonds issued by the board.

17 (b) The board has exclusive jurisdiction over the collection and  
18 disposal of storm water within the district.

19 SECTION 10. IC 8-1.5-5-7 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The  
21 acquisition, construction, installation, operation, and maintenance of  
22 facilities and land for storm water systems may be financed through:

- 23 (1) proceeds of special taxing district bonds of the storm water  
24 district;
- 25 (2) the assumption of liability incurred to construct the storm  
26 water system being acquired;
- 27 (3) service rates;
- 28 (4) revenue bonds; or
- 29 (5) any other available funds.

30 (b) The board, after approval by the ~~legislative~~ **fiscal** body of the  
31 **municipality, unit that is served by the department**, may assess and  
32 collect user fees from all of the property of the storm water district for  
33 the operation and maintenance of the storm water system.

34 SECTION 11. IC 8-1.5-5-12 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) If the board  
36 acquires a storm water system and assumes the liability incurred by the  
37 seller to construct the storm water system, the principal and interest on  
38 the liability so assumed shall be paid from the bond and interest

redemption account in the same manner as bonds of the district would be paid, and the board shall set aside sufficient revenues to comply with the requirements of the instrument creating the liability.

(b) A ~~municipality~~ **unit** acquiring a storm water system may not assume any liability for the payment of a secured debt or charge other than the obligation to apply the revenues in the manner prescribed in the ordinance.

(c) The board may issue bonds in exchange for, or satisfaction of, the liability assumed in the acquisition of a storm water system. The bonds so issued may not be issued at less than ninety-seven percent (97%) of the par value thereof in exchange for, or satisfaction of, the liability. Notwithstanding section 13(c) of this chapter, bonds issued in exchange for, or satisfaction of, the liability need not be sold in accordance with IC 5-1-11. However, the interest rate on such bonds may not exceed the average yield on municipal revenue bonds of comparable credit rating and maturity as of the end of the week immediately preceding the issuance of the bonds.

SECTION 12. IC 8-1.5-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) **This section applies to a municipality.**

(b) The reasonable cost and value of any service rendered to the municipality by the storm water system by furnishing storm water collection and disposal shall be:

- (1) charged against the municipality; and
- (2) paid for in monthly installments as the service accrues out of the:
  - (A) current revenues of the municipality, collected or in process of collection; and
  - (B) tax levy of the municipality made by it to raise money to meet its necessary current expenses.

~~(b)~~ (c) The compensation for the service provided to the municipality shall, in the manner prescribed by this chapter, be treated as revenues of the system and paid into the funds created under this chapter.

SECTION 13. IC 8-1.5-5-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.5. (a) This section applies to a county.**

(b) The reasonable cost and value of any service rendered to the county by the storm water system by furnishing storm water collection and disposal shall be:

(1) charged against all the territory in the county, except territory within a municipality; and

(2) paid for in monthly installments as the service accrues out of the:

(A) current revenues of the county, collected or in process of collection; and

(B) tax levy of the county made by the county to raise money to meet the county's necessary current expenses.

(c) The compensation for the service provided to the county shall, in the manner prescribed by this chapter, be treated as revenues of the system and paid into the funds created under this chapter.

SECTION 14. IC 8-1.5-5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. (a) To procure money to pay for the required property and the acquisition, erection, and construction of the proposed work, and in anticipation of the collection of the special benefit tax, the board may issue, in the name of the ~~municipality~~, **unit that is served by the department**, special taxing district bonds of the storm water district. The bonds may not exceed the total estimated cost of the work and property to be acquired as provided for in the resolution, including:

(1) all expenses necessarily incurred for supervision and inspection during the period of construction; and

(2) expenses actually incurred preliminary to the acquiring of the necessary property and the construction of the work, including the cost of records, engineering expenses, publication of notices, salaries, and other expenses incurred, before and in connection with the acquiring of the property, the letting of the contract, and the sale of bonds.

(b) After adopting a resolution authorizing the bonds, the board shall certify a copy of the resolution to the ~~municipal~~ fiscal officer, who shall then prepare the bonds. The ~~municipal~~ executive shall execute the bonds, and the fiscal officer shall attest the bonds.

(c) The board may not issue bonds of the storm water district, payable by a special benefit property tax, when the total of the



1 outstanding bonds of the district that are payable from a special benefit  
 2 property tax, including the bonds already issued and to be issued,  
 3 exceeds eight percent (8%) of the total adjusted value of taxable  
 4 property in the district as determined under IC 36-1-15. For purposes  
 5 of this section, bonds are not considered to be outstanding bonds if the  
 6 payment has been provided for by an irrevocable deposit in escrow of  
 7 government obligations sufficient to pay the bonds when due or called  
 8 for redemption.

9 (d) The bonds are not a corporate obligation or indebtedness of the  
 10 ~~municipality unit~~ but are an indebtedness of the storm water district.  
 11 The bonds and interest are payable:

- 12 (1) out of a special benefit tax levied upon all of the property of  
 13 the storm water district; or
- 14 (2) by any other means including revenues, cash on hand, and  
 15 cash in depreciation or reserve accounts.

16 (e) The bonds must recite the terms upon their face, together with  
 17 the purpose for which they are issued.

18 SECTION 15. IC 8-1.5-5-22 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) To raise the  
 20 necessary revenues to pay for the bonds issued and the interest on the  
 21 bonds, the board:

- 22 (1) after approval by the ~~legislative~~ **fiscal** body of the  
 23 ~~municipality, unit that is served by the department,~~ shall levy  
 24 a special benefit tax upon all the property of the storm water  
 25 district in the amount necessary to meet and pay the principal of  
 26 the bonds as they severally mature, together with all accruing  
 27 interest; and
- 28 (2) shall certify the tax levied each year to the fiscal ~~officers~~  
 29 **officer** of the ~~municipality and of the county in which the storm~~  
 30 ~~water district is located; unit that is served by the department~~  
 31 ~~at the same time the levy of the municipality is and in the same~~  
 32 **manner as other levies of the unit are** certified.

33 The tax levied and certified shall be estimated and entered upon the tax  
 34 duplicate and shall be collected and enforced in the same manner as  
 35 state and county taxes are estimated, entered, and enforced.

36 (b) In fixing the amount of the necessary levy, the board:

- 37 (1) shall consider the amount of revenues derived by the board  
 38 from the operation of the storm water system under its jurisdiction

1 above the amount of revenues required to pay the cost of  
 2 operation and maintenance of the storm water system; and  
 3 (2) may, in lieu of making the levy in this section, set aside by  
 4 resolution a specific amount of the surplus revenues to be  
 5 collected before maturity of the principal and interest of the bonds  
 6 payable in the following calendar year.

7 (c) The special tax shall be deposited in the bond and interest  
 8 redemption account.

9 SECTION 16. IC 8-1.5-5-23 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The board  
 11 may not issue any bonds authorized by this chapter until it has secured  
 12 the approval for the issuance of the bonds from the ~~legislative fiscal~~  
 13 body of the ~~municipality~~; **unit that is served by the department.**

14 (b) IC 6-1.1-20 applies to the issuance of bonds under this chapter  
 15 which are or may be payable from the special benefit property tax.

16 SECTION 17. IC 14-22-7-3 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A person may not  
 18 hunt or take a migratory waterfowl within Indiana without having a  
 19 migratory waterfowl stamp issued by the department. The stamp must  
 20 be in the possession of each person hunting or taking a migratory  
 21 waterfowl. However, the stamp need not be affixed to the hunting  
 22 license. The licensee shall validate the stamp with the signature, in ink,  
 23 of the licensee written across the face of the stamp.

24 (b) The department shall ~~do the following~~

25 ~~(1)~~ determine the form of the **migratory waterfowl** stamp.

26 ~~(2)~~ (c) **The department may** furnish the **migratory waterfowl**  
 27 stamps to each clerk of the circuit court and the clerk's designated  
 28 depositories for issuance or sale in the same manner as hunting licenses  
 29 are issued or sold under IC 14-22-11.

30 SECTION 18. IC 14-22-11-3, AS AMENDED BY P.L.188-2001,  
 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2002]: Sec. 3. (a) The director **and** agents appointed by the  
 33 director ~~and a clerk of the circuit court in each county who is an~~ **are**  
 34 authorized ~~representative~~ **representatives** of the department shall issue  
 35 ~~all~~ hunting, trapping, and fishing licenses.

36 (b) **The clerk of the circuit court in each county may issue**  
 37 **hunting, trapping, and fishing licenses.**

38 (c) Each **hunting, trapping, or fishing** license must be in a form

1 prescribed by the director and shall be countersigned by the clerk or  
 2 agent issuing the license. The director shall furnish the clerks and  
 3 agents with all necessary blank forms."

4 Page 5, after line 11, begin a new paragraph and insert:

5 "SECTION 20. IC 36-10-4-3 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) A department of  
 7 public parks is established as an executive department of the city.

8 (b) The department is under the control of a board of park  
 9 commissioners. The board consists of four (4) commissioners  
 10 appointed by the city executive. Each commissioner must be a  
 11 freeholder residing in the city, and no more than two (2) commissioners  
 12 may have the same political affiliation.

13 (c) A second class city may ~~with the approval of the executive and~~  
 14 ~~legislative body;~~ pay each commissioner an annual salary ~~not to exceed~~  
 15 ~~six hundred dollars (\$600);~~ **in an amount fixed by the fiscal body.**  
 16 The commissioners shall be paid their actual expenses upon approval  
 17 by the city executive.

18 (d) Before beginning his duties each commissioner shall take and  
 19 subscribe the usual oath of office. The oath shall be indorsed upon the  
 20 certificate of appointment and filed with the city clerk. If a  
 21 commissioner has not filed his oath:

22 (1) within thirty (30) days after the beginning of his term; or

23 (2) by the date of his appointment if he was appointed after the  
 24 beginning of the term;

25 he is considered to have refused to serve and the office becomes  
 26 vacant.

27 **SECTION 21. An emergency is declared for this act."**

28 Renumber all SECTIONS consecutively.

(Reference is to HB 1138 as introduced.)

**and when so amended that said bill do pass.**

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Representative Stevenson